

REMARKS

The present response addresses the issues raised in the Office Action issued on August 2, 2007. Currently, Claims 40, 43, 44, 47-53, 56, 57, 60-65, 83, 95, and 119-125 are pending.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejects Claims 40, 43-46, 49, 51-53, 56-59, 62, 64-66, 74, 95, 100, 107, 112, and 119-125 under 35 U.S.C. § 103(a) as being obvious over Lotecka (U.S. Patent No. 6,296,487) in view of Best (U.S. Patent No. 5,358,259). Applicants respectfully submit that the present obviousness rejection is inappropriate. As detailed below, the Examiner has taken a reference that has nothing to do with character-driven dramatic stories (Lotecka) and combined it with a reference that has nothing to do with training or pedagogical goals (Best) in an attempt to reject the present invention.

The Examiner uses Lotecka as the base reference for rejecting the claims of record. The Examiner asserts that Lotecka discloses a system that provides “dramatic character driven story based simulation content.” See section 1, page 2. At the same time, the Examiner recognizes the deficiency of Lotecka on page 3 of the in stating that Lotecka does not disclose a story that follows a series of events. See section 1, page 3. It is unclear how Lotecka could on the one hand provide “dramatic character driven story based simulation content” while at the same time lack “a story that follows a series of events.” It is respectfully submitted that, as the Examiner has recognized, Lotecka does not provide dramatic character-driven story-based simulation content and as such the current use of Lotecka by the Examiner in rejecting the present claims is inappropriate.

The Examiner cites to the Abstract of Lotecka as teaching "dramatic character driven story based simulation content" that includes "dramatic goals [that] are based on dramatic story telling." The abstract of Lotecka, indeed the entire '487 patent, does not use the word "story," nor does it teach any concepts that could reasonably be construed to recite "dramatic character driven story based simulation content" that contains dramatic goals. Lotecka discloses a method of teaching communication skills where students use a computer to select sentences to achieve a goal. Col. 2, lines 28-38. Examples of the goals include "Negotiate with the person who is currently using the computer so you can use it" and "Get a date tonight with the beautiful high school cheerleader." Col. 3, lines 40-44; col. 4, lines 54-57. Those goals are not dramatic goals and they are not based on dramatic storytelling, as disclosed and claimed in the presently-pending claims.

A typical exchange that occurs in the invention of the '487 patent may be found at Col. 5, lines 20-33.

In order to achieve his goal of getting the date, the surfer needs to get the cheerleader to say, "Sure." If the surfer states, "You're going out with me tonight, and that's final," there is a 5% chance that the cheerleader will say, "Sure." If she does, then a congratulatory message of, "Goal achieved!" will be displayed on the screen. However, it is much more likely that she will tell him to "Get lost!" (60% probability) if the surfer states, "You're going out with me tonight, and that's final." If she tells him to get lost, the student will be required to hit back-button 8 to try again. For the greatest probability of getting the date (80% probability of success), the surfer should ask politely, "Would you like to have dinner and see a movie with me tonight?"

That exchange (or others supported by the '487 patent) cannot be construed to contain a story or be character driven. There is simply no disclosure of character-driven story-based simulation content in Lotecka. It is respectfully submitted that Lotecka does not address the same topic as the present invention.

Turning to the secondary reference, it is respectfully submitted that the Examiner has misapplied Best to the rejection of the present claims. The Examiner cites to Best for two elements of the presently pending claims: A) providing a story that follows a series of events; and B) providing feedback when participants' responses deviate from expected responses leading to achieving pedagogical and dramatic goals. See Page 3 of the Office Action. However, when evaluated objectively, Best may be shown to lack those very elements for which the Examiner is citing the reference. Best is instead directed to talking video games that include stories, and is not a method of training, nor does it at all recite, employ, or develop pedagogical goals.

In support of the contention that Best teaches a system that provides feedback "when participants' responses deviate from expected responses" leading to "achieving the pedagogical goals of said training and the dramatic goals of said story," the Examiner cites to col. 11, lines 31-38 of Best. It is respectfully submitted that the Examiner has misconstrued Best. Best, in fact, does not deal with training or pedagogical goals at all. Furthermore, Best does not identify expected responses or provide feedback when responses deviate from any expected responses. The passage from Best to which the Examiner cites is a portion of Claim 4 which reads, in part, as follows.

4. A method of electronically simulating voice conversations between at least two talking animated characters, the words of one character being selected by a human player, comprising the steps of:

(a) digitally storing a catalog of distinctive voices for at least two talking characters, each in the form of voice sound data representing a plurality of sentences, phrases, word segments or phonemes;

(b) digitally storing a preprogrammed branching dialog between a first animated character and a second animated character, each branch comprising a plurality of alternative verbal expressions; [...] Best, col. 11, lines 27-38. Emphasis added.

The italicized section represents the portion of the claim to which the Examiner cites. There is no disclosure of providing feedback to participants. There is no consideration of a deviation from an expected response by the participants. Indeed, there is no discussion of identifying or achieving pedagogical goals.

It is respectfully submitted that the reason for those omissions is that Best does not address those issues at all or include those elements anywhere within its disclosure. As emphasized above, Claim 4 of Best recites a method of electronically simulating voice conversations. Indeed, that is the focus of all of the Best disclosure. *See* Abstract “Talking video games can provide simulated voice dialog between human players and animated characters on a TV screen.” *See* Summary of the Invention, col. 3, line 15-15-17. “This is a video game which takes the form of a branching story that simulates dialog between two or more animated characters on a TV screen [...]”. *See* Technical Field of the Invention, col. 1, lines 8-9. “This invention relates to video games, animated cartoons, and picture/sound synchronization.”

Notably, Best does not recite systems that contain pedagogical goals or promote their achievement. Indeed, Best does not use “goal”, “pedagogical”, or even “training” within the entirety of the disclosure. Best is simply not directed to any of those concepts, but is instead entirely devoted to the world of video games that include dialog. Without contributing pedagogical goals or promoting their achievement (which are explicitly claimed in the present invention), Best cannot cure those deficiencies that the Examiner fully recognized to be present in Lotecka.

Furthermore, Best does not provide the user with feedback when the participants’ responses deviate from expected responses, as presently pending Claim 1 explicitly recites. Nowhere does Best identify or even implicitly employ

“expected responses” of participants. Accordingly, it is impossible for Best to provide any feedback on the basis of something which it does not in the first place identify.

The Examiner further asserts that the dramatic goals of Best are organized into a goal hierarchy that includes a dramatic goal that is comprised of sub-goals, citing to Figure 8 of Best. Figure 8 of Best is merely a branching story format. The Examiner overlays the language of the present claims (*i.e.*, goals and sub-goals) onto Figure 8. However, Best does not describe Figure 8 in that way at all. Instead, Best describes Figure 8 as “FIG. 8 is a flow diagram illustrating scene branching and dialog branching within each scene.” (col. 3, lines 50-51) and

The flowchart shown in FIG. 8 **illustrates the distinction between branching dialog and branching scenes**. For example, in scene 64 branch point 60 is displayed to the player showing two alternative verbal responses 61 or 62. Either verbal response results in a different answer from an animated character, but not a scene change. However, the alternatives at branch point 63 will result in a scene change, either to scene 65 or to scene 66. Branch point 62 may result in either a scene change to scene 67 or a dialog branch depending on a player's choice. Col. 9, lines 13-23. Emphasis added.

There is no discussion of dramatic goals or sub-goals arranged in a goal hierarchy. It is respectfully submitted that the Examiner's interpretation of Figure 8 of Best is inappropriate.

In summary, Lotecka does not employ or disclose a story that follows a series of events and further does not provide feedback when participants' responses deviated from expected responses leading to achievement of pedagogical and dramatic goals. Best does nothing to cure the deficiencies of Lotecka in that it does not disclose: (a) establishing expected responses; (b) presenting feedback when the participants' responses deviate from those alleged expected responses; (c) establishing pedagogical goals; or (d) achieving pedagogical goals. Best simply does

not stand for the propositions for which the Examiner cites to it, and its inclusion in the rejection of the present claims is respectfully submitted to be inappropriate.

In their present form, the rejected claims thus recite limitations that are not taught or suggested by the cited references, either singly or in combination. As the Examiner is aware, to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested in the cited references. MPEP § 2143.01. It is submitted that Best and Lotecka do not satisfy this requirement. Reconsideration and withdrawal of this rejection are respectfully requested.

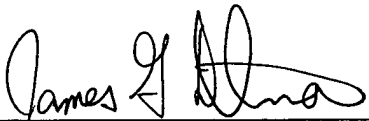
The Examiner rejects Claims 47-48, 60-61, and 83 under 35 U.S.C. § 103(a) as being obvious over Lotecka in view of Best, in further view of Cook (U.S. Patent No. 5,727,950). Lotecka and Best are discussed above. It is respectfully submitted that Cook does nothing to cure the identified deficiencies of Best and Lotecka. Indeed, the Examiner cites to Cook only for the proposition that the feedback is provided by an instructor. Accordingly, in their present form the rejected claims recite limitations that are not taught or suggested by the cited references, either singly or in combination. As the Examiner is aware, to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested in the cited references. MPEP § 2143.01. It is submitted that Best, Lotecka, and Cook – taken singly or in combination – do not satisfy this requirement. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejects Claims 50, 63, 98, and 110 under 35 U.S.C. § 103(a) as being obvious over Lotecka in view of Best, and further in view of Siddle. Lotecka and Best are discussed above. It is respectfully submitted that Siddle does nothing to cure the identified deficiencies of Best and Lotecka. Indeed, the Examiner cites to Siddle only for the proposition that the simulation content depicts military scenarios. Accordingly, in their present form the rejected claims recite limitations that are not taught or suggested by the cited references, either singly or in combination. As the Examiner is aware, to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested in the cited references. MPEP § 2143.01. It is submitted that Best, Lotecka, and Siddle – taken singly or in combination – do not satisfy this requirement. Reconsideration and withdrawal of this rejection are respectfully requested.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

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